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Administration of justice at the United Nations

Report of the Sixth Committee

Rapporteur: Mr. Marco **Rakovec** (Slovenia)

I. Introduction

1. By its decision 62/519 of 6 December 2007, the General Assembly decided to include in the provisional agenda of its sixty-third session the item entitled "Administration of justice at the United Nations". In paragraph 68 of its resolution 62/228 of 22 December 2007, the General Assembly invited the Sixth Committee to consider the legal aspects of the reports to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and, in the light of Assembly resolution 62/228 and decision 62/519, to allocate it to both the Fifth and the Sixth Committees.

3. The Sixth Committee considered the item at its 1st, 15th and 26th meetings, on 6 and 24 October and 14 November 2008. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.1, 15 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee on the Administration of Justice at the United Nations (A/63/55 and Add.1);

(b) Report of the Secretary-General on the administration of justice at the United Nations (A/63/314);

(c) Report of the Secretary-General on the administration of justice in the Secretariat: outcome of the work of the Joint Appeals Board during 2006 and 2007

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and statistics on the disposition of cases and work of the Panel of Counsel (A/63/211);

(d) Report of the Secretary-General on the activities of the Ombudsman (A/63/283);

(e) Letter dated 18 July 2008 from the President of the Administrative Tribunal to the President of the General Assembly (A/63/253).

5. On the recommendation of the Ad Hoc Committee on the Administration of Justice at the United Nations, the Sixth Committee decided, at its 1st meeting, on 6 October, to establish a Working Group on the Administration of Justice at the United Nations, with a view to finalizing its deliberations on the draft statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal as a priority, bearing in mind resolution 62/228, in which the General Assembly decided to establish a two-tier formal system of administration of justice as from 1 January 2009, and continuing the discussion of the other legal aspects of the administration of justice at the United Nations. At the same meeting, the Committee elected Mr. Ganeson Sivagurunathan (Malaysia) as Chairman of the Working Group and decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held four meetings on 7, 17, 21 and 22 October 2008.

6. Also at the 1st meeting, the Chairman of the Ad Hoc Committee on the Administration of Justice at the United Nations introduced the report of the Ad Hoc Committee.

7. At the 15th meeting of the Sixth Committee, on 24 October, the Chairman of the Working Group presented an oral report on the work of the Working Group (see A/C.6/63/SR.15). At the same meeting, the Committee adopted, with oral amendments, the text of the draft statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, with bracketed unagreed text (A/C.6/63/L.7 and A/C.6/63/L.8), and decided that its Chairman would transmit the text of the draft statutes to the Chairman of the Fifth Committee, through the President of the General Assembly (A/C.5/63/9).

II. Consideration of draft decision A/C.6/63/L.9

8. At the 15th meeting, on 24 October, the representative of Malaysia, on behalf of the Bureau, introduced a draft decision entitled "Administration of justice at the United Nations" (A/C.6/63/L.9).

9. At the 26th meeting, on 14 November, the Chairman of the Committee orally revised draft decision A/C.6/63/L.9. The Secretary of the Committee made a statement regarding the financial implications of the draft decision, as orally revised.

10. At the same meeting, the Committee adopted draft decision A/C.6/63/L.9, as orally revised, without a vote (see para. 11).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Administration of justice at the United Nations

The General Assembly decides that the Ad Hoc Committee on the Administration of Justice at the United Nations established pursuant to Assembly decision 62/519 of 6 December 2007 will continue the work on the outstanding legal aspects of the item, taking into account the results of the deliberations of the Fifth and Sixth Committees on the item, previous decisions of the Assembly and any further decisions that the Assembly may take during its sixty-third session prior to the meeting of the Ad Hoc Committee. The Ad Hoc Committee shall meet from 20 to 24 April 2009, and shall report on its work to the Assembly at its sixty-fourth session. The General Assembly also decides to include in the provisional agenda of its sixty-fourth session the item entitled "Administration of justice at the United Nations".